

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

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CIVIL ACTION NO.:

AmTRUST NORTH AMERICA, INC., WESCO
INSURANCE COMPANY, INC. and TECHNOLOGY
INSURANCE COMPANY, INC.,

Plaintiffs,

- against -

KF&B, INC. d/b/a KF&B PROGRAM MANAGERS
INSURANCE SERVICES,

New York County Index No.:
653186/2017

Defendant.

July 14, 2017

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DEFENDANT'S NOTICE OF REMOVAL

A. INTRODUCTION

1. Plaintiffs are AmTRUST NORTH AMERICAN, INC., WESCO INSURANCE COMPANY, INC. and TECHNOLOGY INSURANCE COMPANY, INC. ("Plaintiffs").

2. Defendant is KF&B, INC. d/b/a KF&B PROGRAM MANAGERS INSURANCE SERVICES ("Defendant").

3. On June 9, 2017, Plaintiffs sued Defendant for breach of contract and breach of fiduciary duty and for certain declaratory relief in the Supreme Court of the State of New York, New York County, under Index No. 653186/2017 (the "State Court Action").

4. Defendant was served with Plaintiffs' Summons and Complaint on June 15, 2017. Defendant files this Notice of Removal within the 30-day time period required by 28 U.S.C. §1446(b). *Bd. Of Regents of Univ. of Tex. Sys. V. Nippon Tel. & Tel. Corp.*, 478 F.3d 274, 278 (5th Cir. 2007).

B. BASIS FOR REMOVAL

5. Removal is proper because there is complete diversity between the parties. 28 U.S.C. §1332 (a); *Johnson v. Columbia Props. Anchorage, L.P.*, 437 F. 3d 894, 899-900, (9th Cir. 2006).

6. Plaintiff AmTRUST NORTH AMERICA, INC. is a citizen of Delaware with its principal place of business in New York (although it was domiciled in New Hampshire before 2017). *See* Plaintiffs' Summons and Complaint annexed hereto as Exhibit "A" at ¶ 5.

7. Plaintiff Wesco Insurance Company is a citizen of Delaware with its principal places of business in New York, New York. *See* Exhibit "A" at ¶ 6.

8. Plaintiff Technology Insurance Company is a citizen of Delaware with its principal places of business in New York, New York, although it was domiciled before 2017 in New Hampshire. *See* Exhibit "A" at ¶ 7.

9. Defendant KF&B, INC. d/b/a KF&B PROGRAM MANAGERS INSURANCE SERVICES is a citizen of California with its principal place of business in Glendale, California. *See* Exhibit "A" at ¶ 8.

10. Additionally, the amount in controversy exceeds \$75,000.00, excluding interest and costs. 28 U.S.C. §1332(a); *Andrews v. E.I. du Pont de Nemours & Co.*, 447 F.3d 510, 514-15 (7th Cir. 2006). Indeed, Plaintiffs specifically allege that they have "suffered and continue to suffer damages in an amount to be proven at trial in excess of \$20.4 million, plus reputational harm." *See* Exhibit "A" at ¶¶ 56 and 64.

11. Copies of all documents filed in the State Court Action are attached to this Notice of Removal as required by 28 U.S.C. §1446(a). *See* Exhibit "A"; *See also* the relevant Affidavits of Service from the State Court Action annexed hereto, collectively, as Exhibit "B".

12. Venue is proper in this district under 28 U.S.C. § 1441(a) because the State Court where the State Court Action has been pending is located in this district.

13. Defendant will promptly file a copy of this Notice of Removal with the clerk of the state court where the State Court Action has been pending.

C. JURY DEMAND

14. Plaintiffs did not demand a jury in the State Court Action. Defendant is not demanding a jury in this action.

D. CONCLUSION

15. Diversity jurisdiction exists in this action pursuant to 28 U.S.C. §1332(a) as the amount in controversy is \$20.4 million and thus, exceeds the sum of \$75,000.000, and is between citizens of Delaware and New York on one side and California on the other. For these reasons, Defendant respectfully requests that this Honorable Court remove the State Court Suit to the United States District Court for the Southern District of New York.

Dated: New York, New York
July 14, 2017

CLAUSEN MILLER P.C.

By:

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